

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing regarding weed abatement proceedings involving various parcels

within the City of Lodi to allow Property Owners having objections to the proposed

removal of weeds to be heard and given due consideration

MEETING DATE: August 5, 1998

PREPARED BY: Fire Marshal

RECOMMENDED ACTION: That following the public hearing and receipt of public testimony

the City Council adopt the attached Resolution No 98-123 overruling

objections and proceeding with weed abatement

BACKGROUND INFORMATION: At the City Council meeting of July 1, 1998, the Lodi City Council

adopted Resolution No 98-123 declaring weeds a public nuisance and initiation abatement proceedings on various parcels throughtout the

City.

Pursuant to State of California Government Code section 29500 et seq., A Notice to Destroy Weeds and Remove Rubbish, Refuse, and Dirt was publish, mailed under Declaration of Mailing to each of the involved property owners, and posted on the subject properties as determined by the City attorney and the Fire Inspector. The purpose of this public hearing is for property owners having any objections to the proposed abatement to be heard and given due consideration.

We have been advised by the Fire Department that since the adoption of Resolution No 98-123 numerous property owners have abated the weeds on their property. We will provide council with a list of the parcels that are not in compliance following a final inspection by the Fire Inspector prior to the City council meeting. This document will then serve as the exhibit referred to in the body of Resolution No 98-123.

Following the public hearing and receipt of public testimony regarding the matter, it would be in order for the Council to adopt the attached resolution overruling objections and proceeding with abatement.

APPROVED:

M. Dixon Flynn -- City Manager



CITY OF LODI

APPROVED: ____

COUNCIL COMMUNICATION

Weed Abater August 5, 19 page 2	
Fire Marshal	Steve Raddigan will be present at the meeting to make this report to the City council
FUNDING:	None required.
SR/cs	Steve Raddigan Fire Marshal

H. Dixon Flynn -- City Manager

497 1-	STAR MARKET 741 S CHEROKEE LN LODI, CA 95240	A.P.N.: 0473240009 741 S CHEROKEE LN NORTH AREA
513 1-	DAVE WILLIAMS & ASSOC 1101 W KETTLEMAN LN #4 LODI, CA 95242	A.P.N.: 0273500029 1011 GENEVA WAY
9 1-28.0	KATHLEEN KELLY 694 E 6TH ST CHICO, CA 95928	A.P.N.: 049-180-13 1127 EAST BLACK DIAMOND WAY
13 1-36.0	LEO BURKE 1098 E WOODBRIDGE RD WOODBRIDGE, CA 95258	A.P.N.: 049-170-22 804 EAST BLACK DIAMOND WAY
14 1-38.0	LEO BURKE 1098 E WOODBRIDGE RD WOODBRIDGE, CA 95258	A.P.N.: 049-170-21 810 EAST BLACK DIAMOND WAY
15 1-40.0	LODI, CA 95240	A.P.N.: 049-180-25 1008 EAST BLACK DIAMOND WAY
	IDA HOFFMAN 1635 EDGEWOOD DR LODI, CA 95240	A.P.N.: 049-180-24 1014 EAST BLACK DIAMOND WAY
17 1-42.0	IDA HOFFMAN TRS 1635 EDGEWOOD DR LODI, CA 95240	A.P.N.: 049-180-23 1020 EAST BLACK DIAMOND WAY
	IDA HOFFMAN TRS 1635 EDGEWOOD DR LODI, CA 95240	A.P.N.: 049-180-22 1026 EAST BLACK DIAMOND WAY
197 1-106.0	THOMAS AND CATHY TUCKER 2043 KENWAY CT LODI, CA 95242	A.P.N.: 043-111-05 336 EAST LOCUST STREET
	GLADYS BOWLES 5828 E FAIRLANE RD ACAMPO, CA 95220	A.P.N.: 047-342-03 508 SOUTH CENTRAL AVENUE
79 3-29.0	TAJ & SHAKILA KHAN 1112 RIVERGATE DR LODI, CA 95240	A.P.N.: 058-160-25 1423 S. LAKESHORE DR.
	ARTURO LOPEZ 1920 S CHURCH ST LODI, CA 95240	A.P.N.: 027-300-01 905 INTERLAKEN DR.

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199 4-33.0	CHRIS & LAVETA KESZLER 317 W LODI AVE LODI, CA 95240	A.P.N.: 027-350-04 1151 HEIDELBERG WAY
116 5-14.0	CAREY DEVELOPMENT CO 2575 GRAND CANAL BLVD 301 STOCKTON, CA 95207	A.P.N.: 015-300-09 1000 BLOCK WOODHAVEN LN.
262 5-15.0	DANA SMITH 211 AVENA AVE LODI. CA 95240	A.P.N.: 015-230-29 1245 WOODHAVEN LANE

RESOLUTION NO. 98-123

A RESOLUTION OVERRULING OBJECTIONS AND PROCEEDING WITH ABATEMENT BEFORE THE CITY COUNCIL OF THE CITY OF LODI IN THE MATTER OF WEED ABATEMENT PROCEEDINGS

Overruling Objections and Determining to Proceed with Abatement

RESOLUTION NO. 98-123

The City Council adopted Resolution No. 98-108 on July 1, 1998, which by its terms the Council elected to proceed under Government Code Sections 39501-39588 and did declare as a public nuisance all weeds growing upon streets, sidewalks and private property in the City and all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City; and

A public hearing was held on August 5, 1998 and no objections to the proposed removal of weeds, rubbish, refuse and dirt were made or presented either in writing or orally;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED AS FOLLOWS:

- (1) On July 1, 1998, the City Council elected to proceed under Government Code Sections 39501-39588 and did declare as a public nuisance all weeds growing upon the streets, sidewalks and private property in the City and all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City, all as more particularly described in Resolution No. 98-108, adopted July 1, 1998.
- (2) The Council fixed August 5, 1998 at the hour of 7:00 o'clock p.m., in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, as the time and place for hearing all objections to the proposal of removal of weeds, rubbish, refuse and dirt, and the Director of Public Works was designated as the person to perform the duties imposed by Government Code Section 39560-39588 upon the Superintendent, and he did prepare notices to destroy weeds and remove rubbish, refuse and dirt and did in the time and manner prescribed by law cause copies of the notice to be conspicuously posted on or in front of the property where the nuisance exists; the City did mail written notice of the proposed abatement to all persons owning property described in Resolution No. 98-108 in the time, form and manner prescribed by law.
- (3) The City Council did hold a public hearing on August 5, 1998, and no objections, either written or oral to the proposed removal of weeds, rubbish, refuse and dirt were presented and the hearing was closed on August 5, 1998.
- (4) The Superintendent is ordered to abate the nuisance declared by Resolution No. 98-108 by having the weeds, rubbish, refuse and dirt removed and for this purpose, on those parcels shown on the attached exhibit (Exhibit A), the Superintendent may enter upon private property to abate the nuisance. Before the Superintendent

arrives, any property owner may remove the weeds, rubbish, refuse and dirt at his/her own expense.

(5) The Superintendent or the contractor awarded the work, as the case may be, shall keep an account of the cost of abatement in front of or on each separate parcel of land where the work is done and shall submit to the Council for consideration, hearing of objections, modification and confirmation, an itemized written report showing this cost, all as more particularly prescribed by Government Code Section 39574.

Adopted by the City Council of the City of Lodi on August 5, 1998 by the following vote:

AYES:

COUNCIL MEMBERS - Johnson, Land, Mann, Pennino and

Sieglock (Mayor)

NOES:

COUNCIL MEMBERS - None

ABSENT:

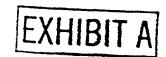
COUNCIL MEMBERS - None

ABSTAIN:

COUNCIL MEMBERS - None

ALICE M. REIMCHE

City Clerk



=97 1-	STAR MARKET 741 S CHEROKEE LN LODI, CA 95240.	A.P.N.: 0473240009 741 S CHEROKEE LN NORTH AREA
500 1-	CHRIS KESZLER 314 W LODI AVE LODI, CA 95241	A.P.N.: 0582100013 1625 W HARNEY LN
502 1-	GALOWOOD ASSOC LTD PTP 777 S HAM LN STE L LODI, CA 95242	A.P.N.: 015520027 2439 INGLEWOOD DR
503 1-	GALOWOOD ASSOC LTD PTP 777 S HAM LN STE L LODI, CA 0	A.P.N.: 0155200031 2453 INGLEWOOD DR
504 1-	GALOWOOD ASSOC LTD PTP 777 S HAM LN STE L LODI, CA 95242	A.P.N.: 0155200003 2464 INGLEWOOD DR
505 1-	GALOWOOD ASSOC LTD PTP 777 S HAM LN STE L LODI, CA 95242	A.P.N.: 0155200006 2456 INGLEWOOD DR
306 - 7	GALOWOOD ASSOC LTD PTP 777 S HAM LN STE L LODI, CA 95242	A.P.N.: 0155200007 2448 INGLEWOOD DR
507 1-	GALOWOOD ASSOC LTD PTP 777 S HAM LN STE L LODI, CA 95242	A.P.N.: 0155200010 2440 INGLEWOOD DR
<u>1</u> ~	GALOWOOD ASSOC LTD PTP 777 S HAM LN STE L LODI, CA 95242	A.P.N.: 0155200011 2432 INGLEWOOD DR
509 I-	GALOWOOD ASSOC LTD PTP 777 S HAM LN STE L LODI, CA 95242	A.P.N.: 0155200014 2424 INGLEWOOD DR
510 1-	GALOWOOD ASSOC LTD PTP 777 S HAM LN STE L LODI, CA 95242	A.P.N.: 0155200015 2416 INGLEWOOD DR
511	GALOWOOD ASSOC LTD PTP 777 S HAM LN STE L LODI, CA 95242	A.P.N.: 0155200002 2472 INGLEWOOD DR
512 1-	GALOWOOD ASSOC LTD PTP 777 S HAM LN STE ; LODI, CA 95242	A.P.N.: 0155200016 2410 INGLEWOOD DR

.13 1-	DAVE WILLIAMS & ASSOC 1101 W KETTLEMAN LN #4 LODI, CA 95242	A.P.N.: 0273500029 1011 GENEVA WAY
4 1-3.0	STOCKTON, CA 95208	A.P.N.: 041-310-15 417 W. MOKELUMNE RIVER DRVACANT LOT
9 1-28.0	KATHLEEN KELLY 694 E 6TH ST CHICO, CA 95928	A.P.N.: 049-180-13 1127 EAST BLACK DIAMOND WAY
13 1-36.0,	LEO BURKE 1098 E WOODBRIDGE RD WOODBRIDGE, CA 95258	A.P.N.: 049-170-22 804 EAST BLACK DIAMOND WAY
14 1-33.0	LEO BURKE 1098 E WOODBRIDGE RD WOODBRIDGE, CA 95258	A.P.N.: 049-170-21 810 EAST BLACK DIAMOND WAY
15 1-40.0	IDA HOFFMAN 1635 EDGEWOOD DR LODI, CA 95240	A.P.N.: 049-180-25 1008 EAST BLACK DIAMOND WAY
16 41.0	IDA HOFFMAN 1635 EDGEWOOD DR LODI, CA 95240	A.P.N.: 049-180-24 1014 EAST BLACK DIAMOND WAY
17 1-42.0	IDA HOFFMAN TRS 1635 EDGEWOOD DR LODI, CA 95240	A.P.N.: 049-130-23 1020 EAST BLACK DIAMOND WAY
13 1-43.0	IDA HOFFMAN TRS 1635 EDGEWOOD DR LODI, CA 95240	A.P.N.: 049-180-22 1026 EAST BLACK DIAMOND WAY
197 1-106.0	THOMAS AND CATHY TUCKER 2043 KENWAY CT LODI, CA 95242	A.P.N.: 043-111-05 336 EAST LOCUST STREET
	H D ARNAIZ CORP PO BOK 8596 STOCKTON, CA 95208	A.P.M.: 041-450-40 548 YOKUTS DRIVE - VACANT AREA
	DAVE MUSTIN 1 SUNSET DR N LODI, CA 95240	A.P.N.: 0430710001 40 NORTH MAIN ST
		A.P.N.: 047-342-03 503 SOUTH CENTRAL AVENUE

270 2-4.0		A.P.N.: 047-210-26 610 S WASHINGTON STREET
69 3-17.0	amodimori di accas	A.P.N.: 058-370-02 2150 W KETTLEMAN LANE
	TAJ & SHAKILA KHAN 1112 RIVERGATE DR LODI, CA 95240	÷
83 4-5.0 :	LEOPOLDO HERNANDEZ 602 S SACRAMENTO LODI, CA 95240	A.P.N.: 045-240-07 713 S. SACRAMENTO ST.
127 4-7.0	JAMES SHERIDAN QUINN 811 S PLEASANT AVE LODI, CA 95240	A.P.N.: 045-180-19 811 SOUTH PLEASANT AVENUE
	ARTURO LOPEZ 1920 S CHURCH ST LODI, CA 95240	A.P.N.: 027-300-01 905 INTERLAKEN DR.
	CHRIS & LAVETA KESZLER 317 W LODI AVE LODI, CA 95240	A.P.N.: 027-350-04 1151 HEIDELBERG WAY
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	DANA SMITH 211 AVENA AVE LODI, CA 95240	A.P.N.: 015-230-29 1245 WOODHAVEN LANE



DECLARATION OF MAILING

RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS ON VARIOUS PARCELS THROUGHOUT THE CITY AND SETTING THE MATTER FOR PUBLIC HEARING ON AUGUST 5, 1998 AT 7:00 P.M.

On July 2, 1998, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 2, 1998, at Lodi, California.

ORDERED BY:

Jacqueline L. Taylor
Deputy City Clerk

Jennifer M. Perrin
Deputy City Clerk

ALICE M. REIMCHE

RESOLUTION NO. 98-108

RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS ON VARIOUS PARCELS THROUGHOUT THE CITY

RESOLVED by the City Council of the City of Lodi that:

- 1. The Council elects to proceed under Government Code §§ 39501-39588 to declare as a public nuisance and abate:
 - a) all weeds growing upon streets, sidewalks and private property in the City;
 and
 - b) all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City.

In this resolution and in all subsequent proceedings, weeds means weeds which, when mature, bear wingy or downy seeds which will attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, and includes sagebrush, chaparral, poison oak and poison ivy, when the conditions of growth are such as to constitute a menace to the public health, dry grass, stubble, brush, litter and all other flammable material which endangers the public safety by creating a fire hazard.

- 2. The City Council declares as a public nuisance:
 - a) all weeds growing upon the streets, sidewalks and private property in the City; and
 - b) all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City.
- 3. The properties upon which or in front of which the nuisance declared in paragraph 2 exist are described in EXHIBIT "A" attached hereto and made a part hereof by reference. The Council finds and declares that weeds on or in front of the parcel specified in EXHIBIT "A" are seasonal and recurrent in nature. In accordance with Government Code §39562.1, the seasonal and recurrent nuisances shall be abated under §§39501-39588 and upon the second and subsequent occurrence in the same calendar year, no further hearings will be held and notice shall be by mailing a post card as provided in §39562.1.
- 4. The Public Works Director is the person designated to perform the duties imposed by Government Code §§39560-39588 upon the Superintendent, and all references in these proceedings to Superintendent means that person.
- 5. Wednesday, August 5, 1998 at the hour of 7:00 o'clock p.m. in the Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, is fixed as the time and place for hearing all objections to the proposed removal of weeds, rubbish, refuse and dirt.

6. The Superintendent shall prepare notices as follows, and the heading of the notice shall read "Notice to destroy weeds and remove rubbish, refuse and dirt" in letters not less than 1" in height. The notice shall be substantially in the following form:

NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE AND DIRT

Notice is hereby given that on the 1st day of July, 1998, the City Council of the City of Lodi passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse, and dirt are hereby notified to attend a meeting of the Lodi City Council to be held in the Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California on August 5, 1998 at the hour of 7:00 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 1st day of July, 1998.

Street Superintendent Director of Public Works City of Lodi

- 7. The superintendent is instructed to cause copies of the notice to be conspicuously posted on or in front of the property on which the nuisance exists. He shall post the notice at least 5 days before the time fixed for hearing objections by the City Council. He shall post 1 notice to each separately owned parcel of property of not over 50-foot frontage; not more than 2 notices to each separately owned parcel of property of between 50-foot frontage and 100-foot frontage; and notices at not more than 100 feet apart if the frontage of the parcel is greater than 100 feet.
- 8. In addition to posting, the City Clerk shall mail written notice of the proposed abatement pursuant to Government Code §39567.1 to all persons owning property described in paragraph 3 of this resolution. The notice shall be mailed to each person to whom the property is assessed as shown on the last equalized assessment roll. The City Clerk shall mail the notice at least 5 days before the time set for the hearing. The notice shall be in substantially the form described above which is posted on the property, except that the notice shall be signed by the City Clerk and the notice need not contain the heading in 1" letters.

Dated:	July 1,	1998							
======	=====	======	======	======	======	======	======	======	====

I hereby certify that Resolution No. 98-108 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 1, 1998, by the following vote:

AYES:

COUNCIL MEMBERS - Johnson, Land, Mann, Pennino and

Sieglock (Mayor)

NOES:

COUNCIL MEMBERS - None

ABSENT:

COUNCIL MEMBERS - None

ABSTAIN:

COUNCIL MEMBERS - None

ALICE M. REIMCHE

City Clerk

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	H D ARNAIZ CORP PO BOX 8596 STOCKTON, CA 95208	A.P.N.: 041-460-40 548 YOKUTS DRIVE - VACANT AREA
	DAVE MUSTIN 1 SUNSET DR N LODI, CA 95240	A.P.N.: 0430710001 40 NORTH MAIN ST
	GLADYS BOWLES 5828 E FAIRLANE RD ACAMPO, CA 95220	A.P.N.: 047-342-03 508 SOUTH CENTRAL AVENUE

270 2-4.0	SHIRLEY Y COPP 483 SUNSET RT 2 SAN ANDREAS, CA 95249	A.P.N.: 047-210-26 610 S WASHINGTON STREET
69 3-17.0	WILLDON LAND CO 2754 COUNTRY CLUB CT STOCKTON, CA 95204	A.P.N.: 058-370-02 2150 W KETTLEMAN LANE
79 3-29.0	TAJ & SHAKILA KHAN 1112 RIVERGATE DR LODI, CA 95240	A.P.N.: 058-160-25 1423 S. LAKESHORE DR.
83 4-6.0 :	LEOPOLDO HERNANDEZ 602 S SACRAMENTO LODI, CA 95240	A.P.N.: 045-240-07 713 S. SACRAMENTO ST.
127 4-7.0	JAMES SHERIDAN QUINN 811 S PLEASANT AVE LODI, CA 95240	A.P.N.: 045-180-19 811 SOUTH PLEASANT AVENUE
184 4-21.0	ARTURO LOPEZ 1920 S CHURCH ST LODI, CA 95240	A.P.N.: 027-300-01 905 INTERLAKEN DR.
199 4-33.0	CHRIS & LAVETA KESZLER 317 W LODI AVE LODI, CA 95240	A.P.N.: 027-350-04 1151 HEIDELBERG WAY
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